T-897 P.02 PATENT/DC

Docket No.: 7732-020-27 DIV	By: <u>SBK/CWR/wb</u>
PIPER RUDNICK No.: 301434-25	•
Serial No.: 09/665,077	
	nol CITMO et al
In the Matter of the Application of: Mich	
For: <u>COMPOSITIONS AND METHODS FOR TRE</u> INFECTION WHILE SUPRESSING FORMATION OF AN	TIBIOTIC-RESISTANT STRAINS
The following has been received in the U.S. stamped hereon:	. Patent Office on the date
[] pp. Specification & Cl	aims/DrawingsSheets
[] Combined Declaration, Petition & Power	of Atty.(_ Pages/Executed)
[ ] Utility Patent Application Transmitta	1
[ ] Continued Prosecution Application	
[ ] Request for Continued Examination (RC	E)
[ ] List of Inventors' Names and Addresse	s //
[■] Fee Transmittal	1//
[ <b>1</b> ] Check for \$ 265.00	[] Dep. Acct. ofder Form
[ ] Assignment pages (executed)	11 MOTERE
[ ] Request for Priority	7.3
[ ] Priority Doc. ( )	
[ ] White Advance Serial Number Postcard	24 200
[ ] Preliminary Amendment	S S
[ ] Letter to Official Draftsman	The same of
[ ] Request for Approval of Proposed Draw	ing Changes
Drawings sheets	
[ Letter (Transmittal)	
[ ] Amendment	•
[ Request for Extension of Time (2 mont	h(s))
[ ] Information Disclosure Statement	[ ] PTO-1449
[ ] List of Related Cases	
[] Cited Documents ( )	
Search Report	
[ ] Statement of Relevancy	
[ ] Restriction Response	[ ] Election Response
[■] Notice of Appeal	
[ ] Appeal Brief	
Rule 132 Declaration	•
[ ] Issue Fee Transmittal	
Rav. 4/02	DUE DATE: July 24, 2003
	, ex

## PIPER RUDNICK LLP

1200 NINETEENTH STREET, NW WASHINGTON, DC 20036-2412 TELEPHONE: 202-861-3900

FACSIMILE: 202-223-2085

DOCKET NO.: 7732-020-27 DIV

ASSISTANT COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA, VA 22313-1450

Re:

Serial No.:

09/665,077

Applicant(s): Filing Date:

Michael CLIMO, et al. September 19, 2000

For:

COMPOSITIONS AND METHODS FOR

2028613877

TREATMENT OF STAPHYLOCOCCAL INFECTION

WHILE SUPPRESSING FORMATION OF ANTIBIOTIC-RESISTANT STRAINS

Group Art Unit:

1631

Examiner:

BORIN, MICHAEL L

SIR:

Attached hereto for filing are the following papers:

Fee Transmittal Request for Extension of Time (2 months) Notice of Appeal

Our check in the amount of \$265.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER RUDNIEK LLP

Steven B. Kelber Attorney of Record

Registration No.: 30,073

Christopher W. Raimund Registration No.: 47,258

2028613877

September 19, 2000   Fing Date	Do							ocket No.	773	7732-020-27 DIV								
Inventor(s)   Michael CLIMO, et al.	Se						erial No.	09/	09/665,077									
Inventor(s)			FFF	-	TR∆	N	SMI	T	TAL	•		Fi	ling Date	Ser	September 19, 2000			
TOTAL AMOUNT OF PAYMENT	-								ventor(s)	Mic	Michael CLIMO, et al.							
Second claims small entity status	Gr								roup Art (	163	31							
Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 50-1442.   Charge the indicated fees to Deposit Account No. 50-1442.   Charge triaty	TOTAL AMOUNT OF PAYMENT \$385,00 E								xaminer BORIN, MICHAEL L									
In the indicated fees to Deposit Account No. 50-1442.  Charge the indicated fees to Deposit Account No. 50-1442.  Large Entity  Fee Code (5) Fee (50 F	1. Applicant claims small entity status.								FEE CALCULATION (continued)									
Charge the indicated fees to Deposit Account No. 50-1442.   Large Entity   Fee Description	Charge any <u>UNDERPAYMENT</u> or credit any <u>OVERPAYMENT</u>								3. ADDITIONAL FEES									
FEE CALCULATION	· ·								Large Entity Small			Entity	Fee Description					
1. BASIC FILING FEE	2.	Chec	k enclose	ed.														Fee Paid
1. BASIC FILING FEE	-		_	- 1	FEE CAI	CU	LATIO	1									Surcharge-late	
Fee	1. B	ASIC F	ILING FE	EE									1052	50	2052	25	Surcharge-late provisional filing	
Code   (8)	Large I	Entity	Smal	11 &	ntity	Fee	s Descript	ion			<u>.</u>		1053	130	1053	130	Non-English	
1002   330   2002   155   Design filing fee   1252   410   2252   205   2-mo. ext. of time   \$205.00     1003   520   2003   250   Peart filing fee   1253   930   2253   486   3-mo. ext. of time     1004   750   2004   375   Reissue titing fee   1254   1450   2254   725   4-mo. ext. of time     1005   160   2005   80   Provisional filing fee   1255   1970   2255   985   5-mo. ext. of time     1005   160   2005   80   Provisional filing fee   1255   1970   2255   985   5-mo. ext. of time     1006   2005   80   Provisional filing fee   1255   1970   2255   985   5-mo. ext. of time     1007   2005   2007   2005   2007   2007   2007   2007     1008   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007   2007     1009   2007   2007   2007   2007   2007   2007   2007   2007     1009   2007											Fee Paid		1812	2520	1812	2520		
1003   200   200   200   Plant filing fee   1253   930   2253   466   3-mo, ed. of fime   1004   750   2004   375   Reissue tiang fee   1254   1450   2254   725   4-mo, ed. of time   1005   160   2005   80   Provisional filing fee   1255   1970   2255   985   5-mo, ed. of time   1255   1970   1900	1001	750	2001	Γ	375	Uti	lity filing f	98		1			1251	110	2251	55	1-mo. ext. of time	
1004   750   2004   375   Reissue litting fee   1254   1450   2254   725   4-mo, ed. of time   1255   1970   2255   595   5-mo, ed. of time   1255   1970   2255   1970   2255   1970	1002	330	2002	Γ	165	De	sign filing	too		T			1252	410	2252	205	2-mo, ext, of time	\$205.00
1005   160   2005   80   Provisional tiling fee   1255   1970   2255   985   5-mo, ed. of time   \$160.00	1003	520	2003	Γ	260	Pk	ent filing fo	99					1253	930	2253	485	3-mo, ext. of time	
Subtotal	1004	750	2004		375	Re	issue tilm	g fee					1254	1450	2254	725	4-mo, ext, of time	
2. EXTRA CLAIM FEES  tot. claims  - 20* = 0 x \$9 = 0 1403 280 2403 140 Request for Oral Hearing  ind. claims  - 3* = 0 x \$42 = 0 1501 1300 2501 650 Utility/Reissue Issue Fee  □ Multiple Dependent Claims  S140 = 1502 470 2502 235 Design Issue Fee  □ Multiple Dependent Claims  Fee Description  1503 630 2503 315 Plant Issue Fee  □ 1480 130 1460 130 Peditions to the Commissioner  1202 18 2202 9 Claims in excess of 20  1806 180 1806 180 ISS Submission  1201 84 2201 42 Independent claims in excess of 3 8021 40 8021 40 Assignment  1203 280 2203 140 Multiple dependent claims in excess of 3 8021 40 8021 40 Assignment  1204 84 2204 42 Reissue independent claims over criginal patent  1205 18 2205 9 Reissue claims in excess of 20 and over original patent  1206 18 2205 9 Reissue claims in excess of 20 and over original Patent  SUBTOTAL (2) \$0.000  Name  Steven B. Kelber  Registration No. 30,073  Telephone 202-861-3900	1005	160	2005		80	Pro	ovisional t	iling 1	100				1255	1970	. 2255	985	5-mo. ext. of time	
tot. claims	SUBTOTAL (1) \$0.00								1401	320	2401	160	Notice of Appeal	\$160.00				
ind. claims	2. E	XTRA	CLAIM F	EE	ES .								1402	320	2402	160	Appeal Brief	
Multiple Dependent Claims   \$140   =   1502   470   2502   235   Design Issue Fee	tot. cl	tot. claims		ŀ	20*	=	0	×	\$9	=		0	1403	280	2403	140		
Largo Entity   Small Entity   Fee Description   1503   630   2503   315   Plant Issue Fee	ind. cl	aims			- 3*	=	0	x	\$42	=		0	1501	1300	2501	650		
Fee   Fee   Code   Fee   Code   Fee   Code   (\$)   Code   (\$)   Code   (\$)   Code	0	Multip	ple Deper	nde	ent Clain	าร			\$140	=			1502	470	2502	235	Design Issue Fee	<u> </u>
Code   (\$)   Code   (\$)   Commissioner	Large	Lerge Entity Small Entity			Fee Description							1503	630	2503	315	Plant Issue Fee	ļ	
1201   84   2201   42   Independent claims in excess of 3   8021   40   8021   40   Assignment     1203   280   2203   140   Multiple dependent claim, if not paid   1801   750   2801   375   For Filling RCE     1204   84   2204   42   Reissue independent claims over original patent   1802   900   1802   900   Expedited Design     1205   18   2205   9   Reissue claims in excess of 20 and over original patent   OTHER (indicate below):   **SUBTOTAL* (2)   \$0.00													1480	130	1460	130		
1203 280 2203 140 Multiple dependent claim, if not paid 1801 750 2801 375 For Filing RCE  1204 84 2204 42 'Reissue independent claims over original patent 1802 900 1802 900 Expedited Design  1206 18 2205 9 Reissue claims in excess of 20 and over original patent OTHER (indicate below):  SUBTOTAL (2) \$0.00 UNITED TOTAL (3) \$365.00  Name Steven B. Kelber Registration No. 30,073  Signature Man Date Amil Date Amil Date Total Date 202-861-3900	1202	18	2202		9	Cla	ims in ex	2855	of 20				1806	180	1806	180	IDS Submission	
1204 84 2204 42 'Reissue independent claims over original patent 1802 900 1802 900 Expedited Design  1205 18 2205 9 'Reissue claims in excess of 20 end over original patent OTHER (indicate below):  SUBTOTAL (2) \$0.00	1201	84	2201		42	ind	ependent	clain	ng in excess	of 3			8021	40	8021	40	Assignment	ļ
1206 18 2205 9 Reissue cleims in excess of 20 and over original OTHER (indicate below):  SUBTOTAL (2) \$0.00 SUBTOTAL (3) \$365.00  Tor number previously paid, if greater, For Reissues, see above SUBTOTAL (3) \$365.00  Name Steven B. Kelber Registration No. 30,073  Signature Guerry Control of the Policy of the P	1203	280	2203		140	Mu	tiple dep	ender	nt ctaim, if n	ot pa	id		1801	750	2801	375	For Filing RCE	
SUBTOTAL (2) \$0.00  'or number previously paid, if greater, For Reissues, see above  SUBTOTAL (3) \$365.00  Name Steven B. Kelber  Registration No. 30,073  Signature  Date 7 10 Telephone 202-861-3900	1204	84	2204		42	*Re	eissue ind	epen	dent claims	ove	original paten	t	1802	900	1802	900	Expedited Design	
*or number previously paid, if greater; For Reissues, see above  SUBTOTAL (3) \$365.00  Name Steven B. Kelber Registration No. 30,073  Signature Date TWO Telephone 202-861-3900	1205	18	2205		9							OTHER (indicate below):						
Name Steven B. Kelber Registration No. 30,073 Signature Date TW/D Telephone 202-861-3900		SUBTOTAL (2) \$0.00																
Signature	*or nur											SUBTOTAL (3)	\$365.00					
Signature	Name	Name Storing B V-th-							Τ	Ω.	a distration	n No	30 073					
organisation (III)	May 16 0								Data	10/5/05				202-861-3000				
												202-00 1+3300						

2028613877

## **Facsimile Transmission Sheet**

PIPER RUDNICK LLP					
1200 Nineteenth Street, N.V Washington, D.C. 20036-24 www.piperrudnick.com PHONE (202) 861-3900 FAX (202) 223-2085 or	112	SENDER'S INFORMATION:  Steven B. Kelber/Susan F. Mahon  PHONE (202) 861-6675/6678  E-MAIL  steven.kelber@piperrudnick.com susan.mahon@piperrudnick.com			
To:	Examiner Michael Borin				
Company:	U.S. Patent and Trademark Office				
Phone:	571-272-0713				
Fax:	571-273-0713				
RE:	U.S. Patent Application Serial NO. 09/665,077				
	Our Ref: 7732-020-27 DIV				
Date:	November 19, 2	2004			
Number of Pages	10				
(including fax sheet):					
Attorney Number	11052				
Client/Matter Number	301434-25				
Original □ will / ■ will	not follow.				
The information contained in this facsi attorney-client or work product privile message is not the intended recipient, that any dissemination distribution or	ge, and is intended only for to or the employee or agent re- copying of this communicat	I and, if addressed to our client or certain counsel, is subject to the he use of the individual or entity named above. If the reader of this sponsible to deliver it to the intended recipient, you are hereby notified ion is strictly prohibited. If you have received this communication in ginal message to us at the above address via the U.S. Postal Service.			
For internal use only:					

If confirmation has not been received by 7:30 p.m., Support Services should: Send my facsimile to its recipient by courier for next day delivery, and notify me. (Provide address and details on reverse of this form.) (please indicate time). If transmission not confirmed, please notify me. Attempt to transmit fax until Continue faxing until 8:00 p.m. If transmission not confirmed, discontinue and notify me. Signature

## **Comments:**

URGENT - DELIVER IMMEDIATELY - Per our conversation of this morning, attached please find a copy of the date-stamped filing receipt and papers filed 7/24/03 (filed Notice of Appeal) timely and then copy of the date-stamped filing receipt and papers filed 10/7/03 (RCE application) timely. Please contact me as soon as possible regarding the Notice of Abandonment we received, as you can see from the attached papers this case is NOT abandoned. Thanks, Susan

DΔ	TR	NT.	/DC

Docket No.: 7732-020-27 DIV	By: SBK/CWR/hc						
PIPER RUDNICK No.: 301434-25	_						
Serial No.: 09/665,077							
In the Matter of the Application of: Mic	hael CLIMO et al.						
For: COMPOSITIONS AND METHODS FOR TREATMENT OF STAPHYLOCOCCAL INFECTION WHILE SUPPRESSING FORMATION OF ANTIBIOTIC-RESISTANT STRAINS							
The following has been received in the U.S. Patent Office on the date stamped hereon:							
[] pp. Specification & C. [] Combined Declaration, Petition & Power [] Utility Patent Application Transmitts [] Continued Prosecution Application [E] Request for Continued Examination (RG) [] List of Inventors' Names and Address [E] Fee Transmittal [E] Check for \$ 440.00 [] Assignment pages (executed) [] Request for Priority [] Priority Doc. ( ) [] White Advance Serial Number Postcard [] Preliminary Amendment [] Letter to Official Draftsman [] Request for Approval of Proposed Draw [] Drawings sheets [] Letter (Transmittal) [] Amendment [E] Request for Extension of Time (1 mont) [] Information Disclosure Statement [] List of Related Cases	( ) Dep. A TRAPENDE Form ( ) PTO-1595						
[] Cited Documents ( )							
Search Report							
[] Statement of Relevancy							
[] Restriction Response	[ ] Election Response						
[] Notice of Appeal							
[ ] Appeal Brief							
[] Rule 132 Declaration							
[ ] Issue Fee Transmittal							
Rary , 10/U3	DUE DATE: 10/24/03						